

PROB 12C
(Rev. 2/13)

UNITED STATES DISTRICT COURT

for

DISTRICT OF NORTH DAKOTA

Petition for Warrant or Summons for Offender under Supervision

Name of Offender: James Russell Windy Boy

Case Number: 0868 1:18CR00123

Name of Sentencing Judicial Officer: Daniel L. Hovland, U.S. District Court Judge

Date of Original Sentence: September 16, 2019

Original Offense: Conspiracy to Distribute and Possess with Intent to Distribute Oxycodone

Original Sentence: 12 months and 1 day imprisonment; 3 years supervised release

Revocation Sentence: 7 days imprisonment; 18 months supervised release

Type of Supervision: TSR

Date Supervision Commenced: 4/15/2021

Asst. U.S. Attorney: Rick L. Volk

Defense Attorney: Stormy R. Vickers

PETITIONING THE COURT

☒ To issue a warrant

☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation No.</u>	<u>Nature of Noncompliance</u>
1)	On May 06, 2021, the defendant violated his location monitoring condition by making an unapproved stop at his co-defendant's unoccupied residence in New Town, ND. <i>This is in violation of the special condition stating you shall be restricted to your residence except activities pre-approved by your supervising officer.</i>
2)	On May 07, 2021, the defendant provided a drug screen which tested positive for fentanyl. The defendant admitted to having ingested the controlled substance. <i>This is in violation of special condition number one (1) stating you must totally abstain from the use of alcohol and illegal drugs.</i>
3)	The defendant failed to report for drug screens on August 5, August 25, and September 8 of 2021. <i>This is in violation of special condition number two (2) which states you must submit to drug and alcohol screenings as directed.</i>

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- 4) On September 08, 2021, the defendant suffered a drug overdose and required medical assistance to be resuscitated. The defendant reported to the probation office on September 09, 2021 and admitted to having ingested fentanyl and alcohol. *This is in violation of special condition number one (1) stating you must totally abstain from the use of alcohol and illegal drugs.*
- 5) On September 14, and November 30 of 2021, the defendant admitted to having ingested fentanyl. *This is in violation of special condition number one (1) stating you must totally abstain from the use of alcohol and illegal drugs.*
- 6) On November 15, and November 22 of 2021, the defendant tested positive for fentanyl. Abbott Toxicology confirmed the positive drug test results. *This is in violation of special condition number one (1) stating you must totally abstain from the use of alcohol and illegal drugs.*
- 7) On April 02, 2022, the defendant was arrested by Three Affiliated Tribes Law Enforcement for DUI, Disobedience of a Lawful Order, and False Report. *This is in violation of mandatory condition number one (1) stating you must not commit another federal, state or local crime.*
- 8) On April 04, 2022, the defendant contacted probation and admitted to having consumed alcohol and being arrested on April 02, 2022. *This is in violation of special condition number one (1) stating you must totally abstain from the use of alcohol and illegal drugs.*

U.S. Probation Officer Recommendation: It is respectfully recommended that a warrant be issued for the arrest of James Windy Boy and hearings be held to determine if he has violated the terms and conditions of his supervised release.

☒ The term of supervision should be:

☒ Revoked.

☐ Extended for _____ years, for a total term of _____ years.

☐ The conditions of supervision should be modified as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 4, 2022

/s/ Travis J. Dienslake
U.S. Probation Officer

THE COURT ORDERS:

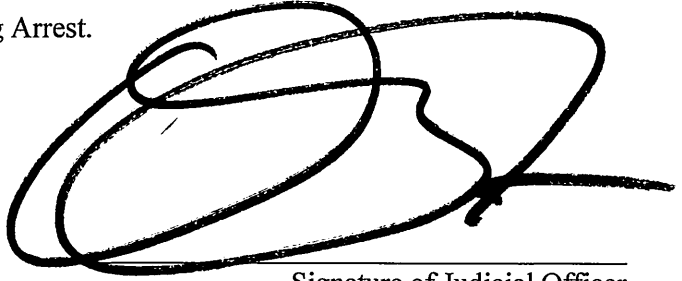
☐ No Action.

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☒ The Issuance of a Warrant/Matter Sealed Pending Arrest.

☐ The Issuance of a Summons.

☐ Other

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

Signature of Judicial Officer

4 April 2022

Date